



State of California

OFFICE OF THE INSPECTOR GENERAL

MATTHEW L. CATE, INSPECTOR GENERAL

FOR IMMEDIATE RELEASE

September 8, 2005

For Additional Information Contact:

Brett H. Morgan

Chief Deputy Inspector General

(916) 830-3600

Internal affairs investigation watchdog up and running

The Bureau of Independent Review — the office created last year inside the Office of the Inspector General to monitor internal affairs investigations within the state's correctional system — issued its first semi-annual report today following an initial six months of intensive hiring and development activities.

Announcing the release of the report, Inspector General Matthew Cate said, "I'm extremely proud of what the bureau has accomplished in its first six months of operation. In addition to its initial monitoring activities, the bureau has already made an important contribution in developing policy to improve internal affairs investigations in the new California Department of Corrections and Rehabilitation. The establishment of the bureau breaks new ground in the field of correctional oversight."

The bureau was created following a successful federal civil rights lawsuit by inmates at Pelican Bay State Prison alleging that state correctional and prison officials condoned the use of excessive force against the prison's inmates and failed to provide constitutionally mandated services and safeguards against in-prison violence. In that case, *Madrid v. Gomez*, U.S. District Court Judge Thelton E. Henderson found that prison officials had repeatedly violated the Eighth Amendment's restraint on excessive force and that investigations by internal affairs personnel into the incidents were "counterfeit...[and were] pursued with one outcome in mind: to avoid finding officer misconduct as often as possible."

The case eventually resulted in a remedial plan proposed by court-appointed Special Master John Hagar and ordered by Judge Henderson. One of the key elements of the plan was the creation of the Bureau of Independent Review inside the Office of the Inspector General to perform real-time monitoring of internal affairs investigations conducted by the state's correctional departments involving alleged abuse of force and violations of employee ethics. The bureau was established with the passage of Senate Bill 1400 (2004), sponsored by Governor Arnold Schwarzenegger and authored by Senator Gloria Romero. The Governor signed the bill in July 2004.

Headed by David R. Shaw, a former Sacramento County prosecutor with extensive law enforcement experience, the Bureau of Independent Review now has three regional offices and a staff of 12 attorneys, who will work with investigators to monitor internal affairs investigations throughout the state at the time they are carried out.

The report released today, which covers the period January through June 2005, describes the bureau's development and structure and summarizes its initial case monitoring activities. Although the bureau did not begin full monitoring of internal affairs investigations until July 1, 2005 because of the need to hire and train staff, establish regional office space, and participate in internal affairs policy development and the reorganization of the California Department of Corrections and Rehabilitation, the bureau did nonetheless monitor selected cases. The report describes 11 "critical incidents" involving either significant use of force against inmates or resulting in the death or serious injury of an inmate to which the bureau's attorneys responded during the bureau's initial months of operation. It also summarizes 15 internal affairs investigations into alleged administrative misconduct and 13 investigations into alleged criminal misconduct monitored by the bureau.

The full text of the first semi-annual report of the Bureau of Independent Review can be viewed and downloaded from the Office of the Inspector General's web site at <http://www.oig.ca.gov/>. To view the report on the website, click on the links to the Bureau of Independent Review and to "Semi-Annual and Annual Reports" on the Inspector General's home page.

The Office of the Inspector General is an independent state agency responsible for oversight of the California correctional system, including the Department of Corrections and Rehabilitation. The office carries out its mission by auditing and investigating the state's correctional agencies and

institutions to uncover criminal conduct, administrative wrongdoing, poor management practices, waste, fraud, and other abuses by staff, supervisors, and management.

The activities of the Bureau of Independent Review are conducted under the authority provided in California Penal Code section 6133.

--30--